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TREATY WITH CANADA CONCERNING PACIFIC SALMON

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA CONCERNING PACIFIC SALMON, INCLUDING ANNEXES AND A MEMORANDUM OF UNDERSTANDING TO THE TREATY, SIGNED ON JANUARY 28, 1985

FEBRUARY 19, 1985.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *February 12, 1985.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, with annexes and a related Memorandum of Understanding, signed at Ottawa January 28, 1985. I also transmit for the information of the Senate the report of the Department of State. This treaty would establish a basis for bilateral cooperation in salmon management, research, and enhancement on the west coast of North America. It will enter into force upon exchange of instruments of ratification.

The treaty would establish a bilateral commission with coastwide responsibilities for management of "intercepting" salmon fisheries, fisheries of one Party that harvest fish which spawn in the waters of the other Party. These responsibilities would include management of the fisheries on Fraser River sockeye and pink salmon, now governed by the Convention for the Protection, Preservation, and Extension of the Salmon Fishery of the Fraser River System, signed at Washington May 26, 1930, entered into force July 28, 1937, as amended. That convention would be superseded by this treaty. An annex to this treaty would prescribe specific fishery regimes, establishing allocations, annual levels, and broad regulations by time, area, or gear for (1) transboundary rivers, (2) the northern boundary area, (3) chinook, (4) Fraser River pink and sockeye, (5) southern coho, and (6) southern chum.

This treaty represents the culmination of fourteen years of negotiations on this issue. It establishes a basis for bilateral cooperation on management, research, and enhancement of salmon stocks throughout the west coast of North America. This treaty provides a framework that will enable us to conserve this precious resource. The increases in salmon production made possible by this treaty will inure to the benefit of fishermen of both the United States and Canada.

I recommend that the Senate give early consideration to the treaty and give its advice and consent to ratification of the treaty, including its annexes and related Memorandum of Understanding.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 4, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with the view to its transmission to the Senate for advice and consent to ratification, the Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon, including annexes and a Memorandum of Understanding to the treaty. This treaty, signed by the United States and Canada on January 28, 1985, would establish a basis for bilateral cooperation in salmon management, research and enhancement. It would establish a bilateral Commission with coastwide responsibilities for management of "intercepting" salmon fisheries, fisheries of one Party that harvest fish which spawn in the waters of the other Party. These responsibilities would include management of the fisheries on Fraser River sockeye and pink salmon, now governed by the Convention for the Protection, Preservation, and Extension of the Salmon Fishery of the Fraser River System, signed at Washington May 26, 1930, entered into force July 28, 1937, as amended (Fraser River Convention). That original, more limited agreement would be superseded by this treaty. An annex to this treaty would prescribe specific fishery regimes, establishing allocations, annual catch levels, and broad regulations by time, area or gear for transboundary rivers, the northern boundary area, chinook salmon, Fraser River pink and sockeye, southern coho and chum. This and other annexes may be amended and additional annexes promulgated through exchanges of diplomatic notes.

Pacific salmon is one of the most valued resources of the Northwest, prized by fishermen of both countries. Effective salmon management requires international cooperation. Conservation of salmon resources requires coordination among all management regimes which affect stocks throughout their migratory range. Both Parties must share responsibility for the development and preservation of the salmon stocks, which often are subject to harvest by fishermen of both Parties as these stocks migrate between the ocean and freshwater spawning grounds. For fourteen years, the United States and Canada have sought to develop a coastwide salmon management regime. The absence of such an approach has, in some cases, resulted in overfishing, and has inhibited salmon conservation and enhancement actions in both countries. In recent years, negotiations were spurred by the growing scarcity of many

salmon stocks off Alaska, British Columbia, and the Pacific Northwest.

This treaty, the culmination of these long negotiations, provides a workable means to manage, conserve, and rebuild the resource. It will result in an increase in salmon abundance from conservation measures and enhancement projects that had been frustrated pending conclusion of this treaty. The treaty also resolves an issue that has long been an irritant in relations with a valued trading partner and ally.

The Commission is the decision-making body of the treaty. It would be composed of a Canadian and a United States section, the approval of both of which would be required for Commission recommendations and decisions. Each section will be composed of up to four Commissioners and a like number of alternates. Each Party will pay for half of the joint expenses of the Commission and the expenses of its own section. The Commission will receive conservation and management recommendations from such Panels as would be established by annex, including the joint United States and Canadian Northern, Southern and Fraser River Panels. Panels in turn would receive information and recommendations from each Party and from Joint Technical Committees established pursuant to Annex IV. Each Party would promulgate approved regulations to implement fishing regimes. Additionally, in the case of the fisheries for Fraser River sockeye and pink salmon, some in-season regulatory authority is vested in the Fraser River Panel.

Two main principles govern the treaty. As set out in Article III(1), they are first, to "prevent overfishing and provide for optimum production," and second, to "provide for each Party to receive benefits equivalent to the production of salmon originating in its waters." This second principle, the so-called equity principle, is intended to provide for each Party to receive compensation benefits of unspecified form or quantity for fish harvested by one Party but originating in the waters of the other. To implement the equity obligations, the Commission is to ascertain the value of each Party's production of stock which are intercepted by the other Party. This will be no simple task. We anticipate that this calculation will consider, among other factors, numbers of fish that are intercepted, their size and growth potential, and their value. To the extent that the Commission is able to ascertain that the levels of interception by each Party are not equivalent, it would be expected that within the Commission the Parties would develop a phased program to adjust and compensate for the inequity.

The Commission has three guidelines for implementation of the twin principles of conservation and equity (Article III(3)). First, the Commission is admonished to recognize the "desirability in most cases of reducing interceptions." Second, the Commission is directed to recognize the desirability of avoiding economic and social dislocation of existing fisheries, some with long settled expectations and historical claims. This guideline affords important protection for historic fisheries that the Parties do not intend to terminate, despite the fact that these fisheries necessarily intercept salmon. Third, the Commission is to consider annual variations in abundance of the stocks.

Specific regimes prescribe allocations, time and area restrictions for each fishery. The Parties have so far promulgated six management regimes for

1. transboundary rivers,
2. the northern boundary area,
3. chinook salmon,
4. Fraser River sockeye and pink salmon,
5. southern coho and
6. southern chum.

In the case of southern chum, a specific regime is not described, but rather a Joint Technical Committee is established which is instructed to recommend such a regime. Each regime is a chapter of Annex IV. In addition to these six chapters, a Chapter 7 on general obligations covers fisheries not addressed in Chapters 1–6. Like all annexes to this treaty, they may be amended by exchange of diplomatic notes that would not be subject to Senate advice and consent.

Analysis of Text

Article I defines key terms of the Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon. Among other things, it defines interception as the harvesting of salmon that originate in the waters of one Party by the fishermen of the other. It also identifies the stocks that are subject to interception or affect the management or biological development of the other Party's stocks.

Article II establishes the structure of the treaty. As indicated above, the core organ of the treaty is a Commission, composed of a United States and a Canadian section, each of which will have no more than four Commissioners and no more than four alternates. Each section has a single vote and both sections must approve any Commission recommendation or decision. Each Party is to bear its own expenses and half of those of the Commission. The Commission Chairman is to be selected by one section and the Vice-Chairman by the other, with the positions to alternate annually between sections. The Commission, to be housed at New Westminster, British Columbia, is to promulgate rules of procedure and bylaws for itself and such other entities as may be created by the Commission.

Panels, constituted by annex, are to provide information and make recommendations to the Commission. Annex I now establishes a Northern, Southern, and Fraser River Panel. Panels are to be composed of not more than six members from each Party and alternates as may be necessary. The United States recognized that not all interest groups could be represented on a Panel this size, but felt this problem could be accommodated through procedures established for alternates. For example, in the case of the seat on the Southern Panel to be alternated annually between commercial and recreational interests, it was anticipated that the Panel member would obtain the concurrence of his alternate before any vote on a Panel decision or recommendation. Like those of the Commission, Panel decisions and recommendations are to be approved by each Party, which must also bear its own Panel expenses.

Article III, discussed above, establishes the principles that govern operation of the Commission and this treaty. The underlying principles are two-fold: to conduct fisheries and enhancement programs to provide for conservation and optimum production and two, to "provide for each Party to receive benefits equivalent to the production of salmon originating in its waters"—the equity principle. The Parties harbor no illusions that the equity principle will be simple to quantify. In adopting this provision, the Parties, by Memorandum of Understanding to the treaty, have recognized expressly that levels of interceptions will vary annually and over time, that data on the extent of interceptions in some areas are imprecise, and that it would not be immediately possible to determine with certainty the total production of salmon from each country's rivers. They also recognized that methods of evaluating benefits accruing within each country differ. For these reasons, the Parties anticipated that it would be some time before the Commission could discern that a trend has developed and ascertain the value of benefits due each Party under Article III (1)(b).

The Commission will have the equally complex task of developing programs to adjust any inequity and provide for any appropriate adjustment to implement the provisions of Article III (1)(b). The treaty establishes three precepts that are to guide the Parties in their implementation of these twin principles of conservation and equity. Initially, Article III (3)(a) requires the Commission, when considering equity adjustments, to recognize the desirability of reducing interceptions. This precept recognizes that excessively high interception rates may result in conservation problems and reduce incentives to enhance resource production. However, such reductions cannot be mandated in all cases because they will not always be fair or feasible. In the northern boundary area, for example, since stocks are of both Canadian and United States origin and cannot be segregated, the United States fishery targeted on United States-origin salmon must catch Canadian-origin sockeye in an incidental manner. Similarly, the Canadian fishery for Canadian-origin sockeye and pink salmon intercepts substantial numbers of United States pink salmon. A reduction in interception levels would preclude a Party from targeting on its own stocks. This would be plainly contrary to the Parties' objective.

Therefore, to balance the concern with reducing interceptions, Article III (3)(b) further instructs the Commission to consider a second important concept: the desirability of avoiding undue disruption of existing fisheries. This protects several United States fisheries from undue social or economic dislocation as a result of equity adjustments. In the northern boundary area, the example cited above, historic United States fisheries targeting on United States stocks could not be shut down in order to reduce interceptions. In the case of the Fraser River, a fishery developed and managed jointly by the Parties since the 1930's, Canada affirmed that it has no intention of closing down a historic United States fishery. Article III (3)(b) provides these fisheries an assurance that the Commission will seek to avoid the social and economic dislocations of major adjustments.

Finally, Article III (3)(c) exhorts the Commission when performing equity calculations, to note that seasonal variations in stocks

are anticipated, and therefore it is necessary to view equity over the long term based upon demonstrable trends rather than short-term fluctuations.

The United States section of the Commission has the responsibility for developing proposals to correct equity imbalance in favor of the United States. In developing such proposals, imbalances should be addressed where possible through enhancement programs rather than through adjusting established fisheries.

Article IV concerns the conduct of the fisheries and sets out the procedures to be followed to establish annual fishery regimes. Each Party is to submit to the other Party and to the Commission a report that will include basic statistics on each fishery: run size, spawning escapement (except for transboundary rivers, where under Article VII the appropriate Panel is to perform this task), estimated total allowable catch (TAC), stock interrelationships, management and, as appropriate, domestic allocation objectives. The Commission is to solicit Panel views on the report and recommend fishery regimes to the Parties. On adoption by the Parties, these regimes are to be promulgated as chapters to Annex IV of the treaty and implemented by domestic federal, state, and tribal management authorities. Each Party is to notify the other Party and the Commission of regulations and in-season modifications.

Under Article IV, each Party is to establish and enforce the regulations to implement the regime, except in the case of the Fraser River regime for which Article VI establishes different procedures.

Article V elaborates on the Article III (2) commitment to bilateral cooperation on salmon enhancement programs. Parties are to exchange information on their own anticipated projects. Cross-references to Article III reflect mutual concern that fish from one Party's enhancement project would not "flood" the other Party's fishery and unduly disrupt or displace an existing fishery. This would arise when a Party, in order to harvest its own stocks, will necessarily have to harvest the other Party's enhanced stocks. The consultation provision of Article V and the forum provided by the Commission should help the Parties avoid that result.

Article VI establishes the special provisions for the portion of the Fraser River sockeye and pink fishery that occurs within the agreement area defined in Annex II to correspond to the Convention Area of the 1930 Fraser River Convention. Unlike other Panels, the Fraser River Panel is to propose pre-season regulations applicable within the agreement area to the Commission, which would then forward its proposals to the Parties. The proposed regulations become effective upon approval by the Party in whose waters the regulations would apply. The Panel may also order in-season management responses, which each Party is to implement unless the regulation is inconsistent with its domestic law. Article IV (4) specifically requires that Panel actions be consistent with established United States Indian treaty rights and domestic allocation objectives.

It is the treaty's intent to develop a Fraser River regime that encompasses all Fraser River pink and sockeye salmon, wherever harvested, though the special procedures apply only within the Fraser River Panel area. Thus, Annex IV, Chapter 4 prescribes a regime based on the TAC of Fraser River sockeye and pink salmon,

applicable both inside and outside the specified area. Outside the specified area, Articles IV (7) and VI (7) require the Parties to regulate in a manner that ensures accomplishment of this fishing regime, including allocation provisions.

Article VII establishes two special provisions for relevant salmon stocks originating in the Canadian portion of the transboundary rivers, which Annex IV, Chapter 1 specifies to include the Taku, Stikine, Alsek and Columbia Rivers. In recognition of its unique status, the Columbia River is given special treatment in Annex IV, Chapter 1. (The Yukon River is addressed separately.) First, spawning escapements for these stocks are to be established initially by the appropriate Panel, which is to forward them through the Commission to the Parties. Second, enhancement is intended to be cooperative or, if unilateral, upon approval by the Commission.

Article VIII recognizes that the Yukon is unique among the transboundary rivers. The distinct stocks on this geographically remote river are subject in part to another treaty regime between the Parties and Japan. The United States user groups and political constituencies did not participate directly in the negotiations for most of the fourteen years of negotiations. Accordingly, the Parties provided that the equity provisions of Article III (1)(b), and the special provisions for transboundary rivers are not applicable to the Yukon, unless agreed in negotiations to which the Parties have committed. The United States anticipates full Yukon representation on these talks. In these negotiations, the Parties have agreed, *inter alia,* to account for United States harvests of salmon originating in the Canadian section of the river. In so doing, the Parties are not precluded from adopting the approach identified in the Memorandum of Understanding, which is to consider the percentage of the TAC of Canadian-bound salmon deemed to be of United States origin.

Article IX provides that the Panels and Commission are to consider conservation of steelhead in development of their management actions. Steelhead, an anadromous salmonid, originate in the streams of both countries. They are not the subject of directed intercepting fisheries, but could be subject to incidental harvests. Further, steelhead enhancement could have impacts on the production and harvest of other salmon stocks.

Article X memorializes the Parties' commitment to continue ongoing and initiate necessary cooperative research for stocks of common concern. Such information is essential to provide the information needed to implement the management regimes required to achieve the conservation objectives of the treaty and to make "equity" determinations pursuant to the treaty.

Article XI is a standard savings clause indicating, *inter alia,* that the treaty is not intended and should not be interpreted to modify Indian treaty rights.

Article XII permits either Party to have recourse to an ad hoc Technical Dispute Settlement Board for binding resolution of disputes of a technical nature. The Parties have recourse to the Technical Dispute Settlement Board for disputes on interception rates and data relating to questions of overfishing.

Article XIII provides for amendment of annexes through exchange of diplomatic notes. Since Annex IV contains fishery re-

gimes that will be revised routinely and frequently, changes to these regimes will not be submitted to the Senate for advice and consent.

Article XIV memorializes the Parties' obligation to adopt and enforce implementing legislation and to exchange such data as may be necessary to implement the treaty.

Article XV provides that the treaty shall enter into force upon exchange of instruments of ratification, and remain in force for at least four years. A Party may give notice to terminate at the end of the third year after the treaty's entry into force, effective one year later. This article also provides for termination of the 1930 Fraser River Convention, and contemplates transfer of responsibilities of the International Pacific Salmon Fisheries Commission to the Government of Canada and to the entities created by this (i.e. the Fraser River Panel and Commission) over a transition period as may be agreed by the Parties.

As provided by Article XIII, annexes may be amended or additional annexes promulgated by exchange of diplomatic notes memorializing decisions of the Commission. The treaty is now being submitted with four annexes.

Annex I establishes three Panels pursuant to Article II:

a Southern Panel for salmon originating in rivers south of Cape Caution, except those salmon covered by the Fraser River Panel;

a Fraser River Panel for Fraser River sockeye and pink salmon harvested in the Agreement Area;

a Northern Panel for salmon originating in rivers with mouths situated between Cape Caution and Cape Suckling.

Pursuant to Article II, salmon of concern to more than one Panel would be reviewed jointly by the appropriate Panels. Thus, for example, both Northern and Southern Panels will address chinook issues. Fraser River sockeye and pink salmon would be covered by the Fraser River Panel insofar as they are harvested within the agreement area, and by the Southern Panel insofar as they involved other species or stocks harvested outside the agreement area.

Annex II identifies the Fraser River Panel area as the waters described in Article I of the 1930 Fraser River Convention. The area may be adjusted under Annex IV, Chapter 4 in order to simplify domestic management or ensure adequate consideration of the effects on other stocks or species.

Annex III sets out the procedures governing operation of the Technical Dispute Settlement Board. Within 20 days of notification by the Commission Chairman, the Parties are to establish an ad hoc Board, composed of a representative of each Party and a third member, jointly designated by the Parties as chairman. Decisions are made by majority vote.

Annex IV sets out six specific fishery regimes. Most are short term, and will require modification in the future by the Parties.

Annex IV, Chapter 1 concerns transboundary rivers and contains provisions for the Stikine, Taku, Alsek and Columbia Rivers. It was recognized that any effort to provide for long term viable fisheries in Canada without severe dislocation of traditional United States fisheries would depend upon increasing the productivity of the

stocks through development of enhancement opportunities. This would provide increased harvests to the fishermen of both countries. A primary focus by the United States was and should be to consider joint enhancement through agreement by the Parties. Joint enhancement was intended to mean that the Parties would share the costs of development in an agreed manner and that the benefits from such enhancement would be shared.

On the Stikine River, for 1985 and 1986 Canada is limited to annual harvests of: 35% of the TAC of Canadian Stikine River sockeye or 10,000 such sockeye, whichever is greater; 2,000 coho; and incidental catches of chinook, pink, and chum salmon.

A brief word is warranted about Canada's allocation of 35% of the sockeye salmon originating in the Canadian portion of the Stikine River. The only directed harvest of Stikine River sockeye occurs in Districts 106, 108 and in Canada. Harvests in other fisheries are incidental, insignificant, and cannot be managed to achieve specific harvest shares for Canada. The long-standing United States position has been that the catches in Districts 106, 108 and in the Canadian portion of the river, comprise the TAC for purposes of computing harvest shares. On the basis of these catches, the 35% Canadian share was negotiated. Since significant Stikine sockeye harvests occur only in Districts 106 and 108 and the Canadian portion of the river the omission of specific reference to these areas should not affect harvest sharing calculations for 1985 and 1986. The United States anticipated that starting in the 1987 regime and thereafter, the same interpretation would apply, whether or not any amendments to Chapter 1 are adopted.

On the Taku River, for each of 1985 and 1986, Canada is permitted 15% of the TAC of Canadian sockeye and incidental harvests of chinook, pink, chum, and coho salmon. Taku River sockeye are caught only in portions of District 111 and in the Canadian portion of the river. A TAC is calculated only from these areas. The Canadian share is based on that TAC. Since Taku sockeye are caught only in these areas, it was not necessary to refer expressly to these areas in Chapter 1. The United States anticipates that starting in 1987 and thereafter, the same interpretation would apply whether or not amendments to Chapter 1 are made.

Management constraints inherent with respect to Stikine and Taku River coho have precluded the United States from agreeing to any significant Canadian harvest of this species. Substantial portions of coho are produced on the United States portion of these rivers. Were the United States to provide for new Canadian coho fisheries on these rivers, it would have to waste substantial portions of the United States coho resources. It would also result in severe dislocation of a United States fishery that for over a hundred years has depended on the entirety of the coho stock on these rivers.

On the Columbia, the Parties have agreed that Article VII's special provision for transboundary rivers do not appropriately apply. The Southern Panel will not set spawning escapements for that river, and enhancement efforts will not necessarily be cooperative. The Parties have committed to consult in 1985 on alternative methods to address these issues while avoiding interference with present

and future United States Columbia River federal, tribal, and state salmon management programs.

Annex IV, Chapter 2 establishes a regime for fisheries in the so-called boundary area between northern British Columbia and southeastern Alaska. The boundary area is near the United States-Canadian maritime boundary in Dixon Entrance, and includes but is not limited to the disputed maritime areas claimed by both Parties.

This fishing area has characteristics which make management especially difficult. First, stocks of both Canadian and United States origin broadly intermingle on the fishing grounds. This makes it most difficult to segregate salmon fisheries by country of origin, and must be taken into account in devising any time, gear or area restrictions. Limitations on the number of Canadian fish that could be harvested by American fishermen, for example, could also affect opportunities for American fishermen to harvest United States-origin salmon. Second, the fishery is characterized by complex stock mixtures, varying run sizes, and environmental conditions. Third, any management or enhancement actions by either Party in this area may have direct implications for the conduct of the other Party's fishery. Enhancement into limited fisheries of the other Party could affect that Party's ability to harvest its own stocks.

In view of these difficulties, the Parties committed themselves to management measures designed to limit interceptions without significantly affecting each country's ability to harvest its own stocks. To accomplish these objectives, the boundary area chapter establishes restrictions on the United States sockeye fishery and the Canadian pink salmon fishery near the boundary area.

The United States Noyes Island purse seine fishery in District 4 is limited to a four-year total catch of 480,000 sockeye salmon prior to United States statistical week 31 (about the third week in July) during the period 1985-88. The United States Tree Point drift gillnet fishery in Districts 1A and 1B is to be managed in a manner that will result in an average annual harvest of 130,000 sockeye over time.

The Canadian net fishery in Areas 3-1, 3-2, 3-3, 3-4, and 5-11 is limited to an average annual harvest of 900,000 pink salmon for the duration of the chapter. The troll fishery in Area 1 will be limited to a total of one million pink salmon for the period 1985-86. However, in either of those years, should the troll fishery harvest 300,000 pink salmon in Area 1, sub-areas 101-3 north of 54° 35′ north, 101-4, 101-8 and 103 north of 54° 35′ north will close to pink salmon trolling.

Annex IV, Chapter 3 addresses the crucial problem of the decline of many naturally spawning chinook stocks in recent years. The Parties committed to halt the decline in spawning escapements and by 1998 to restore production of naturally spawning chinook stocks. This approach recognizes the imperative to reduce United States and Canadian chinook catches, while taking into account the need to avoid economic dislocation that would be caused by abrupt harvest reductions. Rebuilding of stocks would be considered achieved when management spawning goals are generally achieved on a continuing basis.

With these concerns in mind, the Parties established chinook harvest ceilings for 1985 and 1986 for particular areas as follows:

for the United States:	
southeast Alaska (all gear)	263,000
for Canada:	
northern and central British Columbia (all gear)	263,000
west coast of Vancouver Island (troll)	360,000
Strait of Georgia (sport and troll)	275,000

The application of a harvest ceiling off the west coast of Vancouver Island to only the troll fleet reflects difficulties in quantifying the sport catch and Canada's commitment to limit inside net fisheries in that area. This was based on the understanding that Canada does not now have a significant sport harvest and that no expansion will be allowed in the next two years. The Strait of Georgia ceiling includes catches from all marine areas inside Vancouver Island south of Johnstone Strait and eastward of ocean management areas.

Should a Party exceed a ceiling, it is required to address the excess in a manner that assures rebuilding by 1998. During the rebuilding period, adjustments can be made to catch ceilings established for 1985 and 1986: (1) in response to changes in stock status assessments as provided for in paragraph 1(c)(ii) of the chinook chapter; and (2) to allow harvest of a region's increased enhancement production as provided in paragraph 2. In the event that chinook stock abundance declines, paragraph 1(d)(iv) provides for reductions in catch ceilings if the Joint Technical Committee determines that reductions are required to achieve stock rebuilding by 1998.

It was recognized that a number of situations could arise in which ceilings might be changed after 1985 from levels recommended for 1985 and 1986. For example, if slower rebuilding rates occurred as a result of unfavorable environmental conditions, ceilings may be reduced as recommended by the Joint Technical Committee to achieve rebuilding by 1998. For 1986 only, reductions shall only be permitted if the Joint Technical Committee recommends a reduction of greater than 15% because of a decline in stock abundance. If, however, ceilings were reduced below levels established for 1985 and 1986 and at some later time stock conditions improved, upon recommendation of the Joint Technical Committee and with approval of the Parties, it is expected that ceilings would be raised, provided that stock rebuilding could still be achieved by 1998.

Furthermore, it was recognized that some combination of better than expected salmon survival or greater responses to management measures implemented under the treaty could result in the potential for rebuilding depressed natural stocks earlier than 1998. Though the management regime would remain in effect unless altered by the Parties, upon determination by the Joint Technical Committee that the rebuilding program was proceeding ahead of schedule, the Parties could agree to develop a new management regime allowing catches to increase in a manner that would ensure stock rebuilding by 1998 or at some earlier date as jointly agreed.

Management regimes would be established by the Commission at the end of the rebuilding period to maintain chinook stocks at optimum productivity and provide for fair internal allocations.

The Parties recognized that management regimes must be directed at rebuilding depressed stocks, recognizing that variations in individual stock productivity will result in different degrees of success for the different stock. Accordingly, the Parties are committed to structuring management regimes to ensure that some depressed stocks are not benefited to the detriment of other stocks. Fisheries which are not specifically referenced in the Annex are to be managed so that the bulk of depressed stocks preserved by the conservation program accrue principally to spawning escapement.

Incidental mortality of chinook killed but not harvested or reported is addressed in Paragraph 1(e). As long as these mortalities are a fairly stable portion of the catch, rebuilding schedules may not be affected. The Parties are committed, however, to evaluating, assessing and minimizing the impact of all sources of such mortality in 1985 and 1986. The Commission will take into account such information in implementing the chinook rebuilding program.

In order to mitigate any dislocation that might be caused by the program, enhancement programs are planned for the fishery that takes place off Alaska. That region's harvest ceilings may be increased by demonstrated contributions of that region's salmon enhancement activities, provided that the rebuilding program for natural stocks is not extended beyond 1998.

Annex IV, Chapter 4 prescribes the regime that will govern the Fraser River sockeye and pink salmon fishery. The regime covers the entire Fraser River pink and sockeye fishery (Paragraph 5), unlike the predecessor arrangements of the 1930 Fraser River Convention which governed such stocks only when harvested within the prescribed agreement area. Accordingly, Parties cannot frustrate management objectives by permitting fisheries to move outside the agreement area beyond the purview of a governing commission.

The Parties have prescribed two successive four-year regimes. Once the regimes are concluded, allocations will be determined by the Commission and the Parties. In 1989, the Commission may begin to consider adjusting allocations in order to implement the equity principle of Article III(1)(b), the provision which is intended to ensure that each Party receives benefits equivalent to the salmon spawned in its waters.

The first four-year regime, 1985–88, provides the United States the following sockeye catch levels (based on preliminary expectations of run size): 1985, 1.78 million; 1986, 3.00 million; 1987, 1.06 million; and 1988, 1.16 million. These catch levels are derived from a total United States entitlement of 7 million sockeye distributed within that four-year period to reflect anticipated cyclical differences in abundance (Paragraph 1(b)(ii)). The annual United States harvest of pink salmon will be 3.6 million in 1985 and 1987, the years in which pink salmon are available.

United States catches are subject to two adjustments. First, United States catches may increase or decrease, based on deviations to the TAC, which in turn is modified as discussed below. Second, under a so-called coho adjustment, for each of 1985 and

1986, the United States has agreed to reduce its harvest by 50,000 Fraser River sockeye, in exchange for Canadian reductions of equal numbers of coho allocated to Canada under Chapter 5 of this Annex. (Paragraph 1(b)(iii)). This 50,000 adjustment is fixed and not subject to change based on increase or decrease in TAC. This trade was effected at the request of the United States to mitigate some economic dislocation by enabling Northwest fishermen to harvest more coho and to address conservation concerns for certain coho salmon stocks.

The United States allocations of sockeye and pink salmon described above are based on preliminary expectations of TAC set out in Paragraph 1. These TAC's are based on the following predicted run-size and escapement goals that were prepared by a Joint Technical Committee.

SOCKEYE

[In millions]

	Total run	Escapement goal
1985	9.0	2.0
1986	18.0	5.0
1987	5.0	1.5
1988	5.0	1.0
1989	10.0	2.5
1990	19.0	5.5

PINKS

[In millions]

	Total run	Escapement goal
1985	16.0	5.0
1987	18.0	6.0
1989	20.0	6.0

The Parties have agreed that these allocations are subject to pre- or in-season adjustments to correspond with changes in anticipated run size (Paragraph 1(b)(iii)), unless the changes are due to Canadian-funded enhancement (Paragraph 2). The adjustments must take into account any increase in Canadian Indian food harvests, deemed to be 400,000 sockeye annually, which already have been deducted from the preliminary expectation of TAC's set out in Chapter 4. Should the Canadian Indian food fishery increase above 400,000 sockeye each year (thus reducing preliminary expectations of TAC's), such increases may not result in a decreased United States harvest and must come from Canada's harvest, whether or not it is reflected in the TAC. The United States catches are not adjusted due to any changes in the TAC that are due to changes in escapement goals by Canada that form the basis of the agreed TAC in the chapter. Paragraph 1(e) specifically provides for adjustment to the United States catch in subsequent years to compensate for differences if the prescribed catch levels are not achieved.

In the second four year regime, 1989–92, the United States is entitled to a total of 7 million sockeye, or an annual average of 1.75

million sockeye, and 7.2 million pinks, or 3.6 million for each of the two years in which pink salmon will be available. These allocations may be decreased in response to decreases in pre- or in-season forecast of run-size; they may not be increased (Paragraph 1(f)). The Fraser River regime contemplates at the outset that the United States catch will be a steady percentage of the total available catch. However, if a run comes in so far below expectations that the United States is unable to achieve its expected harvest, the permitted United States harvest for later years would be adjusted accordingly so that the United States would be able to harvest the full 7 million sockeye by the end of the second four-year period. However, if the total run size for all four years is significantly less than expected, the total catch permitted the United States will be reduced proportionately. Decreases will not be made because of Canadian Indian food fishery above 400,000 or any increase in escapement goals. It will be the responsibility of the Parties, the Panels, and Commission to establish specific annual catch levels for this second four-year regime within the total of 7 million sockeye and 7.2 million pink.

In managing Fraser River sockeye and pink salmon, the Fraser River Panel is to consider management requirements of other stocks and species in the area, notably coho, chum and non-Fraser River sockeye and pink salmon (Paragraph 1(h)). Paragraph 4 recognizes the desire of the United States to be able to eliminate several management areas (e.g. Areas 6B, 6D, 7B, 7C, 7D) from the area to simplify domestic management of other stocks and species.

Annex IV, Chapter 5 applies to coho salmon harvested by fisheries in Washington and southern British Columbia. The Parties agreed to reciprocal extensions for 1985 of recent management actions, effective after expiration of the management controls of the 1930 Fraser River Convention, for inside net fisheries in United States Areas 7, 7A and Juan de Fuca Strait and Canadian Area 20. In addition, off the west coast of Vancouver Island, Canadian harvests would be limited in 1985 and 1986 to 1.75 million coho annually. Since these totals reflect the reductions of 50,000 coho to which Canada agreed to accommodate United States concerns, the level of Canadian harvest has been deemed to be 1.8 million annually for these years.

Definitive data are lacking on the size, productivity, distribution, and status of many coho stocks, making it difficult at present to estimate total interceptions of this species. Since management problems were determined to be more critical and information more readily available, this chapter concentrates on coho stocks harvested by Washington and southern British Columbia fisheries. The Parties agreed that stocks of common concern were harvested mostly off the southern portion of the west coast of Vancouver Island, but management limitations required that a ceiling apply to the entire west coast of Vancouver Island. Canada may not permit its fishery to concentrate effort and to increase harvests off the southern portion of the Island, since this would increase the interception of United States origin coho. For the years 1987 and beyond, the Commission is to set allocations for intercepting fisheries off the west coast of Vancouver Island to implement conservation measures approved by the Commission, in a manner consistent

with Article III. Canadian increases will be permitted insofar as warranted by demonstrated increased contributions by Canada to the fishery.

It is contemplated that stocks contributing to northern British Columbia and southeast Alaskan fisheries shall be considered to determine whether there is a need for management in the future.

The parties agreed to establish a Joint Technical Committee to develop information on coho stock status and productivity to guide development of future management regimes.

Annex IV, Chapter 6 on chum is intended to institutionalize the Parties' commitment to intensify chum research and develop joint management plans. A Joint Technical Committee is to be established to develop specific management measures for the 1985 season and thereafter.

Annex IV, Chapter 7 is intended to apply to fisheries not directly addressed in another chapter of this Annex. No new fisheries which intentionally increase interception are to be established by either Party. In addition, no intentional increases in interceptions by existing fisheries are to be allowed. There are circumstances where interceptions will unavoidably increase, including cases where there are annual variations in stock compositions due to natural run fluctuations or where enhancement by one Party results in fish entering the other Party's fisheries. In addition, the provision is not intended to deny a Party the opportunity to enhance and benefit from this enhancement even if it results in some, but not significant, increase in levels of interception. At the same time, if in order to recover its enhancement, a Party increases its interception levels to a substantial degree, we anticipate that this would be subject to Commission agreement and recommendations to the Parties.

Chapter 7 is to be interpreted in light of Article III which makes clear that this chapter is not directed at inadvertent increases in interceptions necessary for each Party to harvest fish originating in its waters. Indeed, it was the express commitment of the Canadian negotiator that Canada did not intend to prevent the United States from harvesting its own stocks.

Memorandum of Understanding. The Parties also negotiated as an integral part of the treaty a Memorandum of Understanding which considers several items which provide guidance to the Parties and the Commission, but which do not directly affect fishery regimes. These items include the following:

—An explanation on the agreed method for implementation of the equity principle.

—An outline for the development of a data sharing program which is to be recommended to the Commission by April 1, 1987.

—An agenda and a schedule for the Parties to initiate negotiations for salmon stocks originating in the Canadian portions of the Yukon River.

—A requirement that the Commission, during the first year following the entry into force of the treaty, determine for the transboundary rivers the TAC of salmon that shall be deemed to be of United States origin for the purpose of implementing Article III (1)(b) of the treaty.

—A requirement that Canada provide to the United States a plan which ensures that Canadian net fisheries in the northern boundary area which harvest both Canadian and United States pink stocks will not increase during the period of mid-July through mid-August.

This treaty establishes a basis for bilateral cooperation on management, research and enhancement of salmon stocks throughout the west coast of North America. It provides a framework that will enable us to conserve this precious resource. The increases in salmon production made possible by this treaty will inure to the benefit of fishermen of both the United States and Canada.

I recommend that the treaty, including its Annexes and the related Memorandum of Understanding, be transmitted to the Senate as soon as possible.

Respectfully submitted,

GEORGE P. SHULTZ.

Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon

The Government of the United States of America and the Government of Canada,

Considering the interests of both Parties in the conservation and rational management of Pacific salmon stocks and in the promotion of optimum production of such stocks;

Recognizing that States in whose waters salmon stocks originate have the primary interest in and responsibility for such stocks;

Recognizing that salmon originating in the waters of each Party are intercepted in substantial numbers by the nationals and vessels of the other Party, and that the management of stocks subject to interception is a matter of common concern;

Desiring to cooperate in the management, research and enhancement of Pacific salmon stocks;

Have agreed as follows:

Article I

DEFINITIONS

As used in this Treaty,

1. "enhancement" means man-made improvements to natural habitats or application of artificial fish culture technology that will lead to the increase of salmon stocks;
2. "fishery" means the activity of harvesting or seeking to harvest salmon;
3. "fishery regimes" means the fishing limitations and arrangements adopted by the Parties pursuant to Article IV, paragraph 6;
4. "interception" means the harvesting of salmon originating in the waters of one Party by a fishery of the other Party;
5. "overfishing" means fishing patterns which result in escapements significantly less than those required to produce maximum sustainable yields;
6. "stocks subject to this Treaty" means Pacific salmon stocks which originate in the waters of one Party and
   (a) are subject to interception by the other Party;
   (b) affect the management of stocks of the other Party; or
   (c) affect biologically the stocks of the other Party; and
7. "transboundary river" means a river that rises in Canada and flows to the sea through the United States.

ARTICLE II

COMMISSION AND PANELS

1. The Parties shall establish a Pacific Salmon Commission, hereinafter referred to as "the Commission", to be composed of two national sections, a Canadian Section and a United States Section.

2. The Commission shall have legal personality and shall enjoy in its relations with other organizations and in the territories of the Parties such legal capacity as may be necessary to perform its functions and achieve its ends. The immunities and privileges which the Commission and its officers shall enjoy in the territory of a Party shall be subject to agreement between the Commission and the Party concerned.

3. The Commission shall consist of not more than eight Commissioners, of whom not more than four shall be appointed by each Party. Each Party may also appoint not more than four alternate Commissioners, to serve in the absence of any Commissioner appointed by that Party.

4. The Commissioners and alternate Commissioners shall hold office at the pleasure of the Party by which they were appointed.

5. At the first meeting of the Commission one section shall select from its members a Commission Chairman, and the other section shall select from its members a Vice-Chairman, each of whom shall hold office for the calendar year in which the Treaty enters into force and for such portion of the subsequent year as the Commission may determine. Thereafter the Chairman and Vice-Chairman shall hold office for a term of twelve months and shall be selected by their respective sections. The section which selects the first Chairman shall be determined by lot and thereafter the offices of Chairman and Vice-Chairman shall alternate between the sections. If either office becomes vacant before the end of a term, the appropriate section shall select a replacement for the remainder of the term.

6. Each section shall have one vote in the Commission. A decision or recommendation of the Commission shall be made only with the approval of both sections.

7. Subject to the approval of the Parties, the Commission shall make such by-laws and procedural rules, for itself, for the Panels established pursuant to paragraph 18, and for the committees established pursuant to paragraph 17, as may be necessary for the exercise of their functions and the conduct of their meetings.

8. The Commission may make recommendations to or advise the Parties on any matters relating to the Treaty.

9. Unless otherwise agreed by the Parties, the seat of the Commission shall be at New Westminster, British Columbia.

10. The Commission shall hold an annual meeting and may hold other meetings at the request of the Chairman or of either Party. The Chairman shall notify the Commissioners of the time and place of meetings. Meetings may be held at the seat of the Commission or at such other place as may be determined in accordance with the by-laws and procedural rules of the Commission.

11. Each Party shall pay the expenses of its own section.

12. The Commission shall prepare an annual budget of joint expenses and submit it to the Parties for approval. The Parties shall bear the costs of the budget in equal shares unless otherwise agreed, and shall pay their shares as the by-laws may specify after the budget has been approved by both Parties.

13. The Commission shall authorize the disbursement of funds contributed by the Parties pursuant to paragraph 12, and may enter into contracts and acquire property necessary for the performance of its functions.

14. The Commission shall submit to the Parties an annual report on its activities and an annual financial statement.

15. The Commission shall appoint an Executive Secretary, who, subject to the supervision of the Commission, shall be responsible for the general administration of the Commission.

16. The Commission may engage staff or authorize the Executive Secretary to do so. The Executive Secretary shall have full authority over the staff subject to the direction of the Commission. If the office of the Executive Secretary is vacant, the Commission shall determine who shall exercise that authority.

17. The Commission shall establish a Committee on Research and Statistics and a Committee on Finance and Administration. The Commission may eliminate or establish committees as appropriate.

18. The Commission shall establish Panels as specified in Annex I. The Commission may recommend to the Parties the elimination or establishment of Panels as appropriate.

19. The Panels shall provide information and make recommendations to the Commission with respect to the functions of the Commission and carry out such other functions as the Treaty may specify or as the Commission may direct.

20. In cases where fisheries intercept stocks for which more than one Panel is responsible, the appropriate Panels shall meet jointly to carry out the functions specified in paragraph 19. If the Panels cannot agree, each may make an independent report to the Commission.

21. Each Panel shall consist of not more than 6 members from each Party. Each Party may designate alternate Panel members to serve in the absence of any Panel member appointed by that Party.

22. Except as otherwise provided in the Treaty, paragraphs 4, 5, 6, 10 and 11 apply, *mutatis mutandis,* to each Panel.

ARTICLE III

PRINCIPLES

1. With respect to stocks subject to this Treaty, each Party shall conduct its fisheries and its salmon enhancement programs so as to:

(a) prevent overfishing and provide for optimum production; and

(b) provide for each Party to receive benefits equivalent to the production of salmon originating in its waters.

2. In fulfulling their obligations pursuant to paragraph 1, the Parties shall cooperate in management, research and enhancement.

3. In fulfilling their obligations pursuant to paragraph 1, the Parties shall take into account:

(a) the desirability in most cases of reducing interceptions;

(b) the desirability in most cases of avoiding undue disruption of existing fisheries; and

(c) annual variations in abundances of the stocks.

ARTICLE IV

CONDUCT OF FISHERIES

In order to facilitate the implementation of Articles III, VI and VII:

1. Each Party shall submit an annual report on its fishing activities in the previous year to the other Party and to the Commission. The Commission shall forward the reports to the appropriate Panels.

2. The Panels shall consider the reports submitted pursuant to paragraph 1 and shall provide their views to the Commission. The Commission shall review the reports of the Panels and shall provide its views to the Parties.

3. Each year the State of origin shall submit preliminary information for the ensuing year to the other Party and to the Commission, including:

(a) the estimated size of the run;

(b) the interrelationship between stocks;

(c) the spawning escapement required;

(d) the estimated total allowable catch;

(e) its intentions concerning management of fisheries in its own waters; and

(f) its domestic allocation objectives whenever appropriate.

The Commission shall forward this information to the appropriate Panels.

4. The Panels shall examine the information submitted pursuant to paragraph 3 and report their views to the Commission with respect to fishery regimes for the following year.

5. The Commission shall review the reports of the Panels and shall recommend fishery regimes to the Parties.

6. On adoption by both Parties, the fishery regimes referred to in paragraph 5 shall be attached to this Treaty as Annex IV.

7. Each Party shall establish and enforce regulations to implement the fishery regimes adopted by the Parties. Each Party, in a manner to be determined by the Commission, shall notify the Commission and the other Party of these regulations and shall promptly communicate to the Commission and to the other Party any in-season modifications.

ARTICLE V

SALMON ENHANCEMENT PROGRAMS

1. Salmon enhancement programs that may be established by the Parties shall be conducted subject to the provisions of Article III.

2. Each year each Party shall provide to the other Party and to the Commission information pertaining, *inter alia,* to:

(a) operations of and plans for existing projects;
(b) plans for new projects; and
(c) its views concerning the other Party's salmon enhancement projects.

The Commission shall forward this information to the appropriate Panels.

3. The panels shall examine the information and report their views to the Commission in light of the obligations set forth in Article III.

4. The Commission shall review the reports of the Panels and may make recommendations to the Parties.

ARTICLE VI

FRASER RIVER

1. This Article applies to Fraser River sockeye and pink salmon harvested in the area specified in Annex II.

2. Notwithstanding the provisions of Article IV, paragraph 7, on adoption by the Parties of the fishery regime for the stocks covered by this Article, the Fraser River panel shall propose regulations to the Commission for the harvest of salmon referred to in paragraph 1.

3. The Fraser River Panel shall review with other appropriate Panels the fishery regimes and the information provided pursuant to Article IV, paragraph 3, with respect to salmon other than Fraser River sockeye and pink salmon before proposing regulations pursuant to paragraph 2. The Fraser River Panel and the Commission shall ensure that regulatory proposals and recommendations, to the extent practicable, meet the requirements of the Parties with respect to the management of stocks other than Fraser River sockeye and pink salmon.

4. In implementing this Article, the Fraser River Panel and the Commission shall take into account and seek consistency with existing aboriginal rights, rights established in existing Indian treaties and domestic allocation objectives.

5. On the basis of the proposals made by the Panel, the Commission shall recommend regulations to the Parties for approval. The Parties shall review the recommendations for, *inter alia,* consistency with domestic legal obligations. The regulations shall become effective upon approval by the Party in whose waters such regulations are applicable.

6. During the fishing season, the Fraser River Panel may make orders for the adjustment of fishing times and areas stipulated in the annual regulations in response to variations in anticipated conditions. The Parties shall review the orders for consistency with domestic legal obligations. The Parties shall give effect to such orders in accordance with their respective laws and procedures.

7. The Parties shall not regulate their fisheries in areas outside the area specified in Annex II in a manner that would prevent achievement of the objectives of the fishery regime for the salmon referred to in paragraph 1.

ARTICLE VII

TRANSBOUNDARY RIVERS

1. This Article applies to salmon originating in transboundary rivers.

2. Notwithstanding Article IV, paragraph 3(c), whenever salmon originate in the Canadian portion of a transboundary river, the appropriate Panel shall provide its views to the Commission on the spawning escapement to be provided for all the salmon stocks of the river if either section of the Panel so requests.

3. On the basis of the views provided by the Panel pursuant to paragraph 2, the Commission shall recommend spawning escapements to the Parties.

4. Whenever salmon originate in the Canadian portions of transboundary rivers, or would originate there as a result of enhancement projects, salmon enhancement projects on the transboundary rivers shall be undertaken co-operatively, provided, however, that either Party, with the consent of the Commission, may separately undertake salmon enhancement projects on the transboundary rivers.

ARTICLE VIII

YUKON RIVER

1. Notwithstanding Articles III, paragraph 1(b), and VII, arrangements for consultation, recommendation of escapement targets and approval of enhancement activities on the Yukon River require further development to take into account the unique characteristics of that River.

2. The Parties consider it important to ensure effective conservation of stocks originating in the Yukon River and to explore the development of co-operative research and identification of potential enhancement opportunities.

3. The Parties shall initiate in 1985, and conclude, as soon as possible, negotiations to, *inter alia,*

(a) account for United States harvests of salmon originating in the Canadian section of the River;

(b) develop co-operative management procedures taking into account United States management programs for stocks originating in the United States section of the River;

(c) consider co-operative research programs, enhancement opportunities, and exchanges of biological data; and

(d) develop an organizational structure to deal with Yukon River issues.

4. Prior to the entry into force of this Treaty, the Parties shall agree upon:

(a) the range within which the accounting of United States interceptions referred to in paragraph 3(a) shall be established;

(b) arrangements for exchange of available data on the stocks; and

(c) proposals for research.

ARTICLE IX

STEELHEAD

In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead.

ARTICLE X

RESEARCH

1. The Parties shall conduct research to investigate the migratory and exploitation patterns, the productivity and the status of stocks of common concern and the extent of interceptions.

2. The Commission may make recommendations to the Parties regarding the conduct and coordination of research.

3. Subject to normal requirements, each Party shall allow nationals, equipment and vessels of the other Party conducting research approved by the Commission to have access to its waters for the purpose of carrying out such research.

ARTICLE XI

DOMESTIC ALLOCATION

1. This Treaty shall not be interpreted or applied so as to affect or modify existing aboriginal rights or rights established in existing Indian treaties and other existing federal laws.

2. This Article shall not be interpreted or applied so as to affect or modify any rights or obligations of the Parties pursuant to other Articles and Annexes to this Treaty.

ARTICLE XII

TECHNICAL DISPUTE SETTLEMENT

1. Either Party may submit to the Chairman of the Commission, for referral to a Technical Dispute Settlement Board, any dispute concerning estimates of the extent of salmon interceptions and data related to questions of overfishing. The Commission may submit other technical matters to the Chairman for referral to a Board. The Board shall be established and shall function in accordance with the provisions of Annex III. The Board shall make findings of fact on the disputes and the other technical matters referred to it.

2. The findings of the Board shall be final and without appeal, except as provided in paragraph 3, and shall be accepted by the Commission as the best scientific information available.

3. Either Party may, by application in writing to the Chairman of the Commission, request reconsideration of a finding of a Board, provided that such request is based on information not previously considered by the Board and not previously known to or reasonably discoverable by the Party requesting such reconsideration. The Chairman shall, if possible, refer the request to the Board which made the finding. Otherwise, the Chairman shall refer the request to a new Board constituted in accordance with the provisions of Annex III.

ARTICLE XIII

ANNEXES

1. All references to this Treaty shall be understood to include the Annexes.

2. The Commission, whenever appropriate, shall review the Annexes and may make recommendations to the Parties for their amendment.

3. The Annexes may be amended by the Parties through an Exchange of Notes between the Government of Canada and the Government of the United States of America.

4. The Commission shall publish the texts of the Annexes whenever amended.

ARTICLE XIV

IMPLEMENTATION

Each Party shall:

(a) enact and enforce such legislation as may be necessary to implement this Treaty;

(b) require reports from its nationals and vessels of catch, effort and related data for all stocks subject to this Treaty and make such data available to the Commission; and

(c) exchange fisheries statistics and any other relevant information on a current and regular basis in order to facilitate the implementation of this Treaty.

ARTICLE XV

ENTRY INTO FORCE AND TERMINATION OF TREATY

1. This Treaty is subject to ratification. It shall enter into force upon the exchange of instruments of ratification at [at a place to be determined].

2. At the end of the third year after entry into force and at any time thereafter, either Party may give notice of its intention to terminate this Treaty. The Treaty shall terminate one year after notification.

3. Upon the entry into force of this Treaty, the Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, as amended, signed May 26, 1930, shall be terminated. However, the International Pacific Salmon Fisheries Commission shall continue to function insofar as is necessary to implement Annex IV Chapter 4, paragraph (1)(c). Following the termination of the Convention, the transfer of responsibilities from the International Pacific Salmon Fisheries Commission to the Commission, the Fraser River Panel and the Government of Canada shall be as agreed by the Parties.

ANNEX I

PANELS

The following panels shall be established pursuant to Article II, paragraph 18:

(a) a Southern Panel for salmon originating in rivers with mouths situate south of Cape Caution, except as specified in sub-paragraph (b);

(b) a Fraser River Panel for Fraser River sockeye and pink salmon harvested in the area specified in Annex II; and

(c) a Northern Panel for salmon originating in rivers with mouths situate between Cape Caution and Cape Suckling.

ANNEX II

FRASER PANEL AREA

The area comprises the waters described in Article I of the Convention between Canada and the United States of America for Protection, Preservation and Extension of the Sockeye Salmon Fishery in the Fraser River System, as amended, signed May 26, 1930, as follows:

1. The territorial waters and the high seas westward from the western coast of Canada and the United States of America and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington—which line marks the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barkley Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Sechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island, to the starting point at Bonilla Point, as

shown on the British Admiralty Chart Number 579, and on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, copies of which are annexed to the 1930 Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

ANNEX III

TECHNICAL DISPUTE SETTLEMENT BOARD

1. Each Technical Dispute Settlement Board shall be composed of three members. Within 10 days of receiving a request under Article XII to refer a matter to a Board, the Chairman of the Commission shall notify the Parties. Within 20 days of this notification, each Party shall designate one member and the Parties shall jointly designate a third member, who shall be Chairman of the Board.

2. The Board shall determine its rules of procedure, but the Commission or the Parties may specify the date by which the Board shall report its findings. The Board shall provide an opportunity for each Party to present evidence and arguments, both in writing and, if requested by either Party, in oral hearing. The Board shall report its findings to the Commission, along with a statement of its reasons.

3. Decisions of a Board, including procedural rulings and findings of fact, shall be made by majority vote and shall be final and without appeal except as provided in Article XII, paragraph 3.

4. Remuneration of the members and their expense allowances shall be determined on such basis as the Parties may agree at the time the Board is constituted. The Commission shall provide facilities for the proceedings.

ANNEX IV

Chapter 1

TRANSBOUNDARY RIVERS

1. Recognizing the desirability of accurately determining exploitation rates and spawning escapement requirements of salmon originating in the Transboundary Rivers, the Parties shall establish a Joint Transboundary Technical Committee (Committee) reporting, unless otherwise agreed, to the Northern Panel and to the Commission. The Committee, *inter alia,* shall

(a) assemble and refine available information on migratory patterns, extent of exploitation and spawning escapement requirements of the stocks;

(b) examine past and current management regimes and recommend how they may be better suited to achieving preliminary escapement goals;

(c) identify enhancement opportunities that:

(i) assist the devising of harvest management strategies to increase benefits to fishermen with a view to permitting additional salmon to return to Canadian waters;

(ii) have an impact on natural Transboundary River salmon production.

2. The Parties shall improve procedures of coordinated or cooperative management of the fisheries on Transboundary River stocks.

3. Recognizing the objectives of each Party to have viable fisheries, the Parties agree that the following arrangements shall apply to the United States and Canadian fisheries harvesting salmon stocks originating in the Canadian portion of

(a) the Stikine River:

(i) in 1985 and in 1986 Canada shall annually harvest 35% of the total allowable catch of sockeye originating in the Canadian portions of the Stikine River or 10,000 such sockeye, whichever is greater;

(ii) in 1985 and in 1986 Canada shall annually harvest 2,000 Stikine River coho;

(iii) in the years 1985 through 1995, the Parties shall take appropriate management action to ensure that the escapement goal of 19,800 to 25,000 chinook salmon in the Canadian portion of the Stikine River is achieved by 1995;

(iv) in 1985, since the run of sockeye is anticipated to be below average, in-season run-size determination and subsequent management actions will be necessary to ensure that harvest objectives and escapements are met;

(v) in 1985 and in 1986, Canadian commercial catches of chinook, pink and chum salmon in the Canadian portions of the Stikine River may be taken as an incidental harvest in the directed fishery for sockeye and coho;

(b) the Taku River:

(i) in 1985 and in 1986 Canada shall annually harvest 15% of the total allowable catch of sockeye originating in the Canadian portion of the Taku River;

(ii) in 1985 and in 1986 Canadian harvests of chinook, pink, chum, and coho salmon may be taken as an incidental harvest in the directed fishery for sockeye;

(iii) in the years 1985 through 1995, the Parties shall take appropriate management action to ensure that the escapement goal of 25,600 to 30,000 chinook salmon in the Canadian portion of the Taku River is achieved by 1995.

4. The Parties agree that if the catch allocations set out in paragraph 3 are not attained due to management actions by either Party in any one year, compensatory adjustments shall be made in subsequent years. If a shortfall in the actual catch of a Party is caused by management actions of that Party, no compensation shall be made.

5. The Parties agree that the following arrangements shall apply to United States and Canadian fisheries harvesting salmon stocks originating in Canadian portions of the Alsek River:

(a) recognizing that chinook and early run sockeye stocks originating in the Alsek River are depressed and require special protection, and in the interest of conserving and rebuilding these stocks, the necessary management actions shall continue until escapement targets are achieved;

(b) in the event that in 1985 and in 1986 the run of sockeye is below average, additional restrictions will be required to meet escapement goals.

6. The Parties agree to consider cooperative enhancement possibilities and to undertake studies as soon as possible on the feasibility of new enhancement projects on the Transboundary Rivers and adjacent areas for the purpose of increasing productivity of stocks and providing greater harvests to the fishermen of both countries.

7. Recognizing that stocks of salmon originating in Canadian sections of the Columbia River constitute a small portion of the total populations of Columbia River salmon, and that the arrangements for consultation and recommendation of escapement targets and approval of enhancement activities set out in Article VII are not appropriate to the Columbia River system as a whole, the Parties consider it important to ensure effective conservation of up-river stocks which extend into Canada and to explore the development of mutually beneficial enhancement activities. Therefore, notwithstanding Article VII, paragraphs 2, 3, and 4, during 1985, the Parties shall consult with a view to developing, for the transboundary sections of the Columbia River, a more practicable arrangement for consultation and setting escapement targets than those specified in Article VII, paragraphs 2 and 3. Such arrangements will seek to, *inter alia,*

(a) ensure effective conservation of the stocks;

(b) facilitate future enhancement of the stocks on an agreed basis;

(c) avoid interference with United States management programs on the salmon stocks existing in the non-transboundary tributaries and the main stem of the Columbia River.

Chapter 2

NORTHERN BRITISH COLUMBIA

SOUTHEASTERN ALASKA

1. Considering that the chum salmon stocks originating in streams in the Portland Canal require rebuilding, the Parties agree in 1985 to jointly reduce interception of these stocks to the extent practicable and to undertake assessments to identify possible measures to restore and enhance these stocks. On the basis of such assessments, the Parties shall instruct the Commission to identify long-term plans to rebuild stocks.

2. With respect to sockeye salmon, the United States shall

(a) during the period 1985 through 1988, limit its purse seine fishery in District 4 in a manner that will result in a maximum four-year total catch of 480,000 sockeye salmon prior to United States statistical week 31;

(b) limit its drift gillnet fishery in Districts 1A and 1B in a manner that will result in an average annual harvest of 130,000 sockeye salmon.

3. With respect to pink salmon, Canada shall

(a) limit its net fishery in Areas 3-1, 3-2, 3-3, 3-4, and 5-11 in a manner that will result in an average annual harvest of 900,000 pink salmon;

(b) in 1985 and 1986, limit its troll fishery in Area 1 in a manner that will result in a maximum two year total catch of 1 million troll pink salmon;

(c) in 1985 and 1986, if 300,000 troll pink salmon are caught in Area 1 in either year, then close to pink salmon trolling sub-areas 101-3 north of 54° 35′ north, 101-4, 101-8, and 103 north of 54° 35′ north.

4. In 1985 and thereafter, in order to ensure that catch limits specified in paragraphs 2 and 3 are not exceeded, the Parties shall implement appropriate management measures which take into account the expected run-sizes and permit each country to harvest its own stocks.

5. In setting pink salmon fisheries regimes for 1987 and thereafter, the Parties agree to take into account information from the 1984 and 1985 northern pink tagging program.

6. The Parties shall at the earliest possible date exchange management plans for the fisheries described herein.

7. In order to accomplish the objectives of this Chapter, neither Party shall initiate new intercepting fisheries, nor conduct or redirect fisheries in a manner that intentionally increases interceptions.

8. The Parties shall establish a Joint Northern Boundary Technical Committee (Committee) reporting, unless otherwise agreed, to the Northern Panel and the Commission. The Committee, *inter alia,* shall

(a) evaluate the effectiveness of management actions;

(b) identify and review the status of stocks;

(c) present the most current information on harvest rates and pattern on these stocks, and develop a joint data base for assessments;

(d) collate available information on the productivity of stocks in order to identify escapements which produce maximum sustainable harvests and allowable harvest rates;

(e) present historical catch data, associated fishing regimes, and information on stock composition in fisheries harvesting these stocks;

(f) devise analytical methods for the development of alternative regulatory and production strategies;

(g) identify information and research needs, including future monitoring programs for stock assessments;

(h) for each season, make stock and fishery assessments and recommend to the Northern Panel conservation measures consistent with the principles of the Treaty.

Chapter 3

CHINOOK SALMON

1. Considering that escapements of many naturally spawning chinook stocks originating from the Columbia River northward to southeastern Alaska have declined in recent years and are now substantially below goals set to achieve maximum sustainable yields, and recognizing the desirability of stabilizing trends in escapements and rebuilding stocks of naturally spawning chinook salmon, the Parties shall

(a) instruct their respective management agencies to establish a chinook salmon management program designed to meet the following objectives:

(i) halt the decline in spawning escapements in depressed chinook salmon stocks;

(ii) attain by 1998 escapement goals established in order to restore production of naturally spawning chinook stocks, as represented by indicator stocks identified by the Parties, based on a rebuilding program begun in 1984.

(b) jointly initiate and develop a coordinated chinook management program.

(c) establish a Joint Chinook Technical Committee (Committee) reporting, unless otherwise agreed, to the Northern and Southern Panels and to the Commission, which, *inter alia,* shall

(i) evaluate management actions for their consistency with measures set out in this Chapter and for their potential effectiveness in attaining these specified objectives;

(ii) evaluate annually the status of chinook stocks in relation to objectives set out in this Chapter and, consistent with paragraph (d)(iv) beginning in 1986, make recommendations for adjustments to the management measures set out in this Chapter;

(iii) develop procedures to evaluate progress in the rebuilding of naturally spawning chinook stocks;

(iv) recommend strategies for the effective utilization of enhanced stocks;

(v) recommend research required to implement this rebuilding program effectively;

(vi) exchange information necessary to analyze the effectiveness of alternative fishery regulatory measures to satisfy conservation objectives.

(d) ensure that

(i) in 1985 and 1986, the annual all-gear catch in northern and central British Columbia and southeast Alaska shall not exceed 526,000 chinook salmon to be divided equally between the Parties;

(ii) in 1985 and 1986, the annual troll catch off the west coast of Vancouver Island shall not exceed 360,000 chinook;

(iii) in 1985 and 1986, the total annual catch by the sport and troll fisheries in the Strait of Georgia shall not exceed 275,000 chinook;

(iv) if recommended by the Committee, in 1986 and subsequent years adjustments to the ceilings may be made in response to reductions in chinook abundance so that the indicator stocks are rebuilt by 1998; provided that reductions in ceilings for 1986 will not be made unless the Committee recommends a reduction greater than 15 percent, based on reductions in stock abundance for that year;

(v) fishing regimes are reviewed by the Committee and structured so as not to affect unduly or to concentrate disproportionately on stocks in need of conservation;

(vi) if catch ceilings are exceeded in any year, the differences shall be addressed by the responsible Party in a manner that will ensure rebuilding of the affected stocks by 1998.

(e) evaluate all sources of induced fishing mortality, estimate unreported catches of chinook salmon, assess the impact and minimize the effects of these factors in 1985 and 1986. The Commission shall take into account such estimates of total chinook mortality in implementing the chinook rebuilding program.

(f) manage all salmon fisheries in Alaska, British Columbia, Washington and Oregon, so that the bulk of depressed stocks preserved by the conservation program set out herein principally accrue to the spawning escapement.

(g) establish at the conclusion of the chinook rebuilding program fishery regimes to maintain the stocks at optimum productivity and provide fair internal allocation determinations. It is recognized that the Parties are to share the benefits of coastwide rebuilding and enhancement, consistent with such internal allocation determinations and this Treaty.

(h) exchange annual management plans prior to each season.

2. The Parties agree that enhancement efforts designed to increase production of chinook salmon would benefit the rebuilding program. They agree to consider utilizing and redirecting enhancement programs to assist, if needed, in the chinook rebuilding program. They agree that each region's catches will be allowed to increase above established ceilings based on demonstrations to the Commission and assessments by it of the specific contributions of each region's new enhancement activities, provided that the rebuilding schedule is not extended beyond 1998.

Chapter 4

FRASER RIVER SOCKEYE AND PINK SALMON

1. In order to increase the effectiveness of the management of fisheries in the Fraser River Area (hereinafter the Area) and in fisheries outside the Area which harvest Fraser River sockeye and pink salmon, the Parties agree

(a) that the preliminary expectations of the total allowable catches of Fraser River sockeye and pink are:

[In millions]

	Sockeye	Pink
1985	6.6	11.0
1986	12.5	
1987	3.1	12.0
1988	3.6	
1989	7.1	14.0
1990	13.0	
1991	3.1	14.0
1992	3.6	

(b) that (i) based on these preliminary expectations, the United States shall harvest as follows:

[In millions]

	Sockeye	Pink
1985	1.78	3.6
1986	3.0	.....
1987	1.06	3.6
1988	1.16	.....

(ii) the United States catches referred to in paragraph 1(b)(i) herein shall be adjusted in proportion to any adjustments in the total allowable catches set out in paragraph 1(a) herein that are due to any agreed adjustments in pre-season or in-season expectations of run-size. When considering such adjustment, the Parties shall take into account all fisheries that harvest Fraser River sockeye and pink salmon including annual Fraser River Indian food fish harvests in excess of 400,000 sockeye. The United States catches shall not be adjusted due to any adjustments in the total allowable catch that may be caused by changes in escapement goals that form the basis for the agreed total allowable catches set out in paragraph 1(a) herein;

(iii) notwithstanding the agreed United States and Canadian catch levels for Fraser River sockeye and for coho off the west coast of Vancouver Island, as provided in paragraph 1(b)(i) herein and in Chapter 5, respectively, and subject to paragraph 1(b)(ii), in 1985 the United States catch of Fraser River sockeye shall be 1.73 million and the Canadian catch of coho off the west coast of Vancouver Island shall not exceed 1.75 million; and in 1986, the United States catch of Fraser River sockeye shall be 2.95 million and the Canadian catch of coho off the west coast of Vancouver Island shall not exceed 1.75 million;

(c) in 1985, to instruct the International Pacific Salmon Fisheries Commission to develop regulatory programs in the Area to give effect to the provisions of paragraph 1(b);

(d) to instruct the Fraser River Panel for 1986 through 1992 to develop regulations to give effect to the provisions of paragraphs 1(b) and 1(f);

(e) to instruct the Fraser River Panel that if management measures fail to achieve such sockeye and pink catches, any difference shall be compensated by adjustments to the Fraser fishery in subsequent years;

(f) in the period 1989 to 1992, the Fraser River Panel shall determine the annual United States catch level so that the total United States catch in this period shall not exceed 7 million sockeye, in the aggregate. In the years 1989 and 1991, the United States harvest shall not exceed 7.2 million pink salmon, in the aggregate. Nothwithstanding the foregoing, these levels shall be reduced in proportion to any decreases in the total allowable catches set out in paragraph 1(a) herein that are due to any agreed decreases in pre-season or in-season expectations of run size. When considering such reductions, the Parties shall take into account all fisheries that harvest Fraser River sockeye and pink salmon including annual Fraser River Indian

food fish harvests in excess of 400,000 sockeye. The United States catches shall not be reduced due to any decreases in the total allowable catch that may be caused by changes in escapement goals that form the basis for the agreed total allowable catches set out in paragraph 1(a) herein;

(g) to consider no sooner than 1989 adjusting the regime in accordance with the principles of Article III;

(h) to instruct the Fraser River Panel that in managing Fraser River sockeye and pink salmon, it shall take into account the management requirements of other stocks in the Area;

2. Notwithstanding the provisions of Paragraphs 1(b) and 1(f), and to ensure that Canada receives the benefits of any Canadian-funded enhancement activities undertaken following entry into force of this Treaty, any changes in the total allowable catch due to such activities shall not result in adjustment of the United States catch.

3. The Parties shall establish data-sharing principles and processes which ensure that the Parties, the International Pacific Salmon Fisheries Commission, the Commission and the Fraser River Panel are able to manage their fisheries in a timely manner consistent with this Chapter.

4. The Parties may agree to adjust the definition of the Area as necessary to simplify domestic fishery management and ensure adequate consideration of the effect on other stocks and species harvested in the Area.

5. In managing the fisheries in the Area, the Parties, the Commission, and the Fraser River Panel shall take into account fisheries inside and outside the Area that harvest Fraser River sockeye and pink salmon. The Parties, the Commission, and the Fraser River Panel shall consider the need to exercise flexibility in management of fisheries outside the Area which harvest Fraser River sockeye and pink salmon.

Chapter 5

COHO SALMON

1. Recognizing that for the past several years some coho stocks have been below levels necessary to sustain maximum harvest and that recent fishing patterns have contributed to a decline in United States catch of coho stocks of United States origin, and in order to prevent further decline in spawning escapements, adjust fishing patterns, and initiate, develop or improve management programs for coho stocks, the Parties shall

(a) establish a Joint Coho Technical Committee (Committee), reporting unless otherwise agreed to the Panels and the Commission. The membership of the Committee shall include representation from the Northern and Southern Panel Areas. The Committee, *inter alia,* shall

(i) evaluate the effectiveness of management actions;

(ii) identify and review the status of stocks;

(iii) present the most current information on harvest rates and patterns on these stocks, and develop a joint data base for assessments;

(iv) collate available information on the productivity of coho stocks in order to identify escapements which produce maximum sustainable harvests and allowable harvest rates;

(v) present historical catch data, associated fishing regimes, and information on stock composition in fisheries harvesting these stocks;

(vi) devise analytical methods for the development of alternative regulatory and production strategies;

(vii) identify information and research needs, including future monitoring programs for stock assessments;

(viii) for each season, make stock and fishery assessments and recommend to the Commission conservation measures consistent with the principles of the Treaty;

(b) unless otherwise agreed, in any area where fisheries of one Party may intercept coho stocks originating in the rivers of the other, endeavour to limit incidental coho catches by fisheries targeting on other species.

2. For coho stocks shared by Washington and southern British Columbia fisheries, each Party shall establish regimes for its ocean troll, ocean sport, and inside troll, net and sport fisheries consistent with management objectives approved by the Commission.

3. In 1985, the Parties shall adhere to presently agreed management objectives for Canadian Area 20, U.S. Areas 7 and 7A, and Juan de Fuca Strait.

4. The Parties agree

(a) that in 1985 and 1986 the total annual troll catch of coho in Canadian Management Areas 21, 23, 24, 25, 26, 27, 121, 123, 124, 125, 126, 127, and 130–1 shall not exceed 1.75 million;

(b) to avoid any alterations in coho fisheries along the west coast of Vancouver Island that would increase the proportional interception of U.S. coho stocks;

(c) to develop, in 1986 and thereafter fishery regimes for the west coast of Vancouver Island that

(i) implement conservation measures approved by the Commission and take into account any increased contributions by Canada to the fishery, and

(ii) provide for the sharing of benefits of coho production of each Party consistent with the principles of Article III.

5. If management measures result in a significant deviation from catch levels set out in paragraph 4 in any year, differences shall be compensated by adjustments to the fishery in subsequent years, provided that conservation objectives for natural coho stocks and other principles of Article III are not adversely affected.

6. Notwithstanding any other provisions of this Chapter, the Commission, for 1987 and thereafter, shall set specific harvest levels for coho salmon in the intercepting fisheries in areas described in paragraph 4.

Chapter 6

SOUTHERN BRITISH COLUMBIA—WASHINGTON CHUM FISHERIES

Considering that anticipated returns of some natural salmon stocks originating in Johnstone Strait, the Strait of Georgia, the Fraser River, Puget Sound, Juan de Fuca Strait and Nitinat Lake are expected to be weak and therefore not likely to provide a harvestable surplus in 1985, although some enhanced stocks originating in these areas may provide harvestable surpluses and anticipating locally directed fisheries on such enhanced stocks, the Parties shall

1. no later than March 31, 1985, establish a Joint Chum Technical Committee (Committee) reporting, unless otherwise agreed, to the Southern Panel and the Commission, to, *inter alia,*

(a) identify and review the status of stocks of primary concern;

(b) present the most current information on harvest rates and patterns on these stocks, and develop a joint data base for assessments;

(c) collate available information on the productivity of Chum stocks in order to identify escapements which produce maximum sustainable harvests and allowable harvest rates;

(d) present historical catch data, associated fishing regimes, and information on stock composition in fisheries harvesting those stocks;

(e) develop analytical methods to permit the exploration of alternative regulatory and production strategies;

(f) identify information and research needs, to include future monitoring programs for stock assessments;

(g) develop fishery regimes for the 1985 season and thereafter.

2. no later than August 15, 1985, instruct the Committee to present a report to the Parties on the activities set out in paragraph 1 herein.

Chapter 7

GENERAL OBLIGATION

With respect to intercepting fisheries not dealt with elsewhere in this Annex, unless otherwise agreed, neither Party shall initiate new intercepting fisheries, nor conduct or redirect fisheries in a manner that intentionally increases interceptions.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Ottawa, in the English and French languages, both versions being equally authentic, this 28th day of January 1985.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

POUR LE GOUVERNEMENT DES
ETATS-UNIS D'AMERIQUE

FOR THE GOVERNMENT OF CANADA

POUR LE GOUVERNEMENT DU CANADA

MEMORANDUM OF UNDERSTANDING

The Governments of the United States of America and Canada have agreed to record the following in connection with the Treaty Concerning Pacific Salmon, in order to set out the intention of the Parties with respect to implementation of Article III, paragraph 1(b) of the said Treaty, Data Sharing and the Yukon River, Transboundary Rivers and the Northern Boundary—Southeastern Alaska fisheries:

A. Implementation of Article III, paragraph 1(b)

The principal goals of the Treaty are to enable both countries, through better conservation and enhancement, to increase production of salmon and to ensure that the benefits resulting from each country's efforts accrue to that country. In this regard, research on the migratory movements of stocks subject to interception must be continued for several years. Such research is required not only to determine with more precision the extent of interceptions by both sides, but also to provide an improved basis for conservation and enhancement. The resultant long-term increases in production of salmon should fully justify the short-term expenditures on research.

With respect to the obligation to provide each Party with benefits equivalent to the production of salmon originating in its rivers (contained in Article III, paragraph 1(b) of the Treaty), it is recognized that data on the extent of interceptions in some areas are imprecise and that it is therefore not possible to determine with certainty the total production of salmon from each country's rivers. It is also recognized that methods of evaluating benefits accruing within each country may differ. For these reasons, it is anticipated that it will be some time before the Commission can develop programs to implement the provisions of Article III, paragraph 1(b) in a complete and comprehensive manner. Nevertheless, in the short term, the Commission shall ensure that the annual fishery regimes and understandings regarding enhancement are developed in an equitable manner taking into account the principle outlined in Article III 1(b). In particular, the Commission's decisions should take into account changes in the benefits flowing to each of the Parties

through alteration in fishing patterns, conservation actions, or as the result of changes in the abundance of the runs.

In the longer term, if it is determined that one country or the other is deriving substantially greater benefits than those provided from its rivers, it would be expected that the Parties would develop a phased program to eliminate the inequity within a specified time period, taking into account the provisions of Article III, paragraph 3. Since correction of imbalances is a national responsibility and may involve differential fishery adjustments or enhancement projects on a regional basis within either country, the Party with the advantage shall submit appropriate proposals to the Commission for consideration. Such proposals shall be discussed within the Commission and be reflected in the agreed fishery regimes and coordinated enhancement planning in ensuing years.

B. Data Sharing

Considering that development of comprehensive evaluations of management is required in order to assess the impact of such regimes on interception fisheries and on the stocks which contribute to those fisheries, for the effective implementation of the Treaty, the Parties consider it necessary to develop a coast-wide stock assessment and management data system, including catch, effort, escapement, and coded-wire tag data that will yield reliable management information in a timely manner and to develop analytical models along with standardized methods for monitoring fishing effort. The Parties agree to maintain a coded-wire tagging and recapture program designed to provide statistically reliable data for stock assessments and fishery evaluations. The Parties agree to establish a working group prior to April 1, 1985 to review the program and to make recommendations to the Commission before April 1, 1987.

Therefore, the Parties agree to

(a) develop the capability to use current season coded-wire tag data, fishing data, spawning escapement data, and age composition data for the pre-season management process for the next season;

(b) continue in 1985 and 1986 the research program begun in 1982 in northern British Columbia and Southeast Alaska, designed to develop agreed estimates of rates of interception of salmon in the area;

(c) continue efforts to develop analytical models that forecast abundance and analyze recovery and escapement data to refine stock productivity estimates and monitor and forecast management needs;

(d) improve evaluation of escapements through improved monitoring (key index area streams, standardization of methods, etc.) and coded-wire tag recovery in escapements;

(e) develop and maintain coded-wire tagging programs for key stocks or index groups to measure exploitation rates and better define time-area distribution for development of management options;

(f) obtain coastwide estimates for non-reported incidental catches of juvenile salmon;

(g) evaluate and develop alternative techniques such as electrophoresis, scale analysis, etc., for stock identification in order to identify stocks not represented by coded-wire tag groups;

(h) explore the feasibility of in-season management;

(i) review annually methodologies and procedures for the purpose of determining performance of applied measures and maintaining "state-of-the-art" fishery management techniques.

C. Yukon River

Considering that salmon stocks originating from the Canadian section of the Yukon River and the Canadian section of the Porcupine River are harvested by fishermen of both Canada and the United States and that effective conservation and management of these resources is of mutual interest, the Parties, in order to facilitate implementation of Article VIII, shall

1. During March 1985, meet in order, *inter alia*, to

(a) determine current stock status;

(b) develop preliminary escapement goals;

(c) examine enhancement opportunities;

(d) examine conservation concerns, including habitat degradation, and recommend management strategies and goals;

(e) develop and recommend cooperative research proposals for 1985 and thereafter; and

(f) notwithstanding the Transboundary River Annex and other provisions of this Memorandum, establish the range within which the percentage of the U.S. harvest of each species of salmon originating in Canadian sections of the rivers that shall be deemed to be of U.S. origin shall be set, as required by Article VIII, paragraph (4).

2. During March 1985, establish a technical committee to compile available data and itemize research requirements for effective future management and conservation.

3. Notwithstanding the Transboundary River Annex and other provisions of this Memorandum, during October 1985, initiate negotiations as required by Article VIII, paragraph (3), to determine, *inter alia,* the percentage of the U.S. harvest of each species of salmon originating in Canadian sections of the rivers that shall be deemed to be of U.S. origin.

D. Transboundary Rivers

Whereas salmon originating in Canadian sections of Transboundary Rivers are subject to harvesting by U.S. fishermen in the U.S. waters;

And whereas the Parties have encountered difficulties in determining the percentage of the total allowable catch of salmon that shall be deemed to be of United States origin for the purpose of implementing Article III, paragraph 1(b) of the Treaty,

The Parties therefore agree that the Commission shall determine this percentage during the first year following the entry into force of the Treaty.

E. Northern Boundary—Southeastern Alaska

In recognition of the Northern Boundary Technical Committee Report which indicates that the Area 3 net fisheries in Canada har-

vest both Canadian and U.S. pink stocks along the boundary areas, Canada shall provide to the United States a plan that ensures that fisheries in this Area are not increased during the period of mid July through mid August.

DONE in duplicate at Ottawa, in the English and French languages, both versions being equally authentic, this 28th day of January 1985.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

POUR LE GOUVERNEMENT DES
ETATS-UNIS D'AMERIQUE

FOR THE GOVERNMENT OF CANADA

POUR LE GOUVERNEMENT DU CANADA

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